

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>JOSE RODRIGUEZ,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a Jesus Alberto Adames</b>	<b>:</b>	<b>18 U.S.C. § 924(a)(1)(A) (making false statements to federal firearms licensee - 4 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (possession of a firearm by a convicted felon - 4 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) (criminal forfeiture)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. It was a federal felony offense to knowingly make any false statement or representation with respect to information required to be kept in the records of firearms dealers who are federal firearms licensees (“FFLs”) licensed by the Bureau of Alcohol, Tobacco and Firearms (“ATF”) of the United States Department of the Treasury.
2. The Gun Gallery, located at 2807 Perkiomen Avenue, Mount Penn, Pennsylvania, was a federally licensed firearms dealer.
3. FFLs were licensed, among other things, to sell firearms and ammunition.
4. Various rules and regulations contained in and promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929) govern the manner in which an FFL

may sell firearms and ammunition. Among the rules and regulations governing FFLs were the following requirements:

- a. That an FFL not sell a firearm or ammunition to a person “who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year” (“a prohibited person”);
- b. That a person seeking to buy a firearm fill out a Pennsylvania State Police Application/Record of Sale and wait for a background check to be performed to determine if the purchaser is a “prohibited person;”
- c. That a person seeking to purchase a firearm fill out a “Firearms Transaction Record,” ATF Form 4473. Part of Form 4473 requires that the prospective purchaser represent, subject to penalties of perjury, that he or she is the actual buyer of the firearm, rather than a “straw purchaser” acquiring the firearm on behalf of another. The Form 4473 in effect at the times relevant to this Indictment contained language explaining what it means to be an actual buyer as follows:

**WARNING** - The Federal firearms laws require that the individual filling out this form must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearms for himself or herself or as a gift, but who completes this form, violates the law. Example: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. If Mr. Jones fills out this form, he will violate the law. However, if Mr. Jones buys a firearm with his own money to give to Mr. Smith as a birthday present, Mr. Jones may lawfully complete this form. A licensee who knowingly delivers a firearm to an individual who is not buying the firearm for himself or herself or as a gift violates the law by maintaining a false ATF 4473.

5. FFLs were required, pursuant to regulations promulgated by ATF under the

authority of Title 18, United States Code, Chapter 44 (Sections 921-929), to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFLs.

6. On or about March 11, 2000, at Mount Penn, in the Eastern District of Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

knowingly made false statements and representations with respect to information required to be kept in the records of a federally licensed firearms dealer in connection with acquisition of firearms, that is, a Kel-Tec, Model P-40, .40 caliber handgun, serial number 87637, from a federally licensed firearm dealer, that is, The Gun Gallery, 2807 Perkiomen Avenue, Mount Penn, Pennsylvania, in that defendant JOSE RODRIGUEZ falsely represented on Department of Treasury ATF Form 4473, Firearms Transaction Record, that he was “Jesus Alberto Adames” and that he had not previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, when in fact he knew these statements to be false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 5 of Count One are realleged here.
2. On or about June 23, 2000, at Mount Penn, in the Eastern District of Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

knowingly made false statements and representations with respect to information required to be kept in the records of a federally licensed firearms dealer in connection with acquisition of firearms, that is, a Star, Interarms, Model Ultrastar, .40 caliber handgun, serial number 12703-95, from a federally licensed firearm dealer, that is, The Gun Gallery, 2807 Perkiomen Avenue, Mount Penn, Pennsylvania, in that defendant JOSE RODRIGUEZ falsely represented on Department of Treasury ATF Form 4473, Firearms Transaction Record, that he was “Jesus Alberto Adames” and that he had not previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, when in fact he knew these statements to be false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 5 of Count One are realleged here.
2. On or about December 9, 2000, at Mount Penn, in the Eastern District of Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

knowingly made false statements and representations with respect to information required to be kept in the records of a federally licensed firearms dealer in connection with acquisition of firearms, that is, a Ruger, Model P95DC, 9 mm. handgun, serial number 313-78208, from a federally licensed firearm dealer, that is, The Gun Gallery, 2807 Perkiomen Avenue, Mount Penn, Pennsylvania, in that defendant JOSE RODRIGUEZ falsely represented on Department of Treasury ATF Form 4473, Firearms Transaction Record, that he was “Jesus Alberto Adames” and that he had not previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, when in fact he knew these statements to be false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 5 of Count One are realleged here.
2. On or about January 3, 2001, at Mount Penn, in the Eastern District of Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

knowingly made false statements and representations with respect to information required to be kept in the records of a federally licensed firearms dealer in connection with acquisition of firearms, that is, a Star, Interarms, Model Ultrastar, .40 caliber handgun, serial number 12704-95, from a federally licensed firearm dealer, that is, The Gun Gallery, 2807 Perkiomen Avenue, Mount Penn, Pennsylvania, in that defendant JOSE RODRIGUEZ falsely represented on Department of Treasury ATF Form 4473, Firearms Transaction Record, that he was “Jesus Alberto Adames” and that he had not previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, when in fact he knew these statements to be false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about March 11, 2000, at Reading, in the Eastern District of  
Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is a Kel-Tec, Model P-40, .40 caliber handgun, serial number 87637.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about June 23, 2000, at Reading, in the Eastern District of  
Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is a Star, Interarms, Model Ultrastar, .40 caliber handgun, serial number 12703-95.

In violation of Title 18, United States Code, Section 922(g)(1).



**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 9, 2000, at Reading, in the Eastern District of  
Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is a Ruger, Model P95DC, 9 mm. handgun, serial number 313-78208.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 3, 2001, at Reading, in the Eastern District of  
Pennsylvania, defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is a Star, Interarms, Model Ultrastar, .40 caliber handgun, serial number 12704-95.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offenses charged in Counts One through Eight of this indictment, defendant JOSE RODRIGUEZ, a/k/a Jesus Alberto Adames:

a. Committed any part of the instant offense subsequent to sustaining at least two felony convictions for a controlled substance offense, as described in U.S.S.G. § 2K2.1(a)(2).

b. Committed an offense involving three or more firearms, as described in U.S.S.G. § 2K2.1(b)(1).

**NOTICE OF FORFEITURE**

1. As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) and 924(g) set forth in this Indictment, the defendant

**JOSE RODRIGUEZ,  
a/k/a Jesus Alberto Adames,**

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) Kel-Tec, Model P-40, .40 caliber handgun, serial number 87637;
- (2) Star, Interarms, Model Ultrastar, .40 caliber handgun, serial number 12703-95;
- (3) Ruger, Model P95DC, 9 mm. handgun, serial number 313-78208;
- (4) Star, Interarms, Model Ultrastar, .40 caliber handgun, serial number 12704-95;

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

\_\_\_\_\_  
***A TRUE BILL:***

\_\_\_\_\_  
\_\_\_\_\_  
**FOREPERSON**

\_\_\_\_\_  
**PATRICK L. MEEHAN**  
**United States Attorney**